IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.278 OF 2007

Shri.Devendra Baburam Upadhyay. ..Petitioner.

Versus

Deputy Commissioner of
Police & Anr. ..Respondents.

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None for the Petitioner.
Mrs.A.S.Pai, AP, for the Respondents-State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : OCTOBER 29, 2007.

P.C.:

1. The petitioner has challenged the externment order dated 29.1.2007 passed by respondent No.1 -D.C.P. (Zone-II), Boriwali (West), Mumbai. By the said order, the petitioner came to be externed for a period of 15 days under Section 56(1)(a)(b) of the Bombay Police Act. The said period is long over. It is seen that the petitioner had not challenged the externment order by way of filing an appeal before the Appellate Authority i.e. Home Department and the petitioner has directly come to this Court by way of filing the present Petition.

2. It is seen that the period of externment has long expired. Moreover the petitioner has not availed of alternate remedy of filing an appeal before the Appellate Authority. In this view of the matter, I am not inclined to entertain the present Petition. However, liberty is granted to the petitioner to challenge the externment order by way of filing an appeal before the Appellate Authority. In case such an appeal is filed the delay, if any, caused in filing such an appeal be condoned and the appeal be disposed of in accordance with law.

3. Writ Petition is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)